

- - **REMARKS** - -

The present amendment replies to a Final Office Action dated September 10, 2002. Claims 1-12 as originally filed are currently pending in the present application.

In the Final Office Action, Examiner To rejected pending claims 1, 2, 4, 5, 7, 8, 10 and 11 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,310,868 B2 to *Uebayashi* et al, and rejected pending claims 3, 6, 9 and 12 under 35 U.S.C. §103(a) as being unpatentable over *Uebayashi*. The Applicant has thoroughly considered Examiner To's remarks concerning the patentability of claims 1-12 over *Uebayashi* as well as thoroughly read *Uebayashi*. The Applicant respectfully traverses the 35 U.S.C. §§102(e) and 103(a) rejections of claims 1-12. However, to clearly and distinctly claim the present invention over *Uebayashi*, the Applicant has cancelled claims 1-12 herein and added claims 13-29 herein.

The Applicant respectfully submits that claims 13-29 as added herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. Specifically, the Applicant respectfully asserts that *Uebayashi* and the other art of record fail to disclose, teach or suggest a combination of (1) "wherein, subsequent to a reception of the acknowledgement by said secondary station, control information is initially transmitted on an uplink control channel and a downlink control channel between said primary station and said secondary station"; (2) "wherein, subsequent to the reception of the acknowledgement by said secondary station, data is initially transmitted on an uplink data channel from said secondary station to said primary station"; and (3) "wherein the initial transmission of data on the uplink data channel is determinedly delayed until after the initial transmission of control information on the uplink control channel and the downlink control channel" as recited in independent claim 13 (a radio communication system) and encompassed by independent claims 19 (a primary station), 23 (a secondary station) and 27 (radio communication operation method).

The Applicant therefore respectfully requests withdrawal of the 35 U.S.C. §§102(e) and 103(a) rejections of claims 1-12, and respectfully requests further examination of the present application under 37 CFR § 1.114.

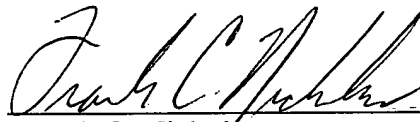
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Respectfully submitted,
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